

YOUTH SERVICES POLICY

Title: Modification of Disposition Next Annual Review Date:	Type: B. Classification, Sentencing and Service Functions Sub Type: 2. Classification Number: B.2.11
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References: La. Children's Code Articles 909 and 911; La. R.S.15:901and 902; YS Policy No. B.2.1 "Assignment, Reassignment, Release and Discharge of Youth"; appropriate ACA Standards (JTS and Juvenile Probation and Aftercare Services) referenced on said policy; and DYS 12.1 "Early Release from Secure Facilities".	
STATUS: Approved	
Approved By: <i>Simon Gonsoulin, Assistant Secretary</i>	Date of Approval: 01/28/2005

1. AUTHORITY:

Acting Assistant Secretary of the Office of Youth Development as delegated on January 27, 2004 by the Secretary of the Louisiana Department of Public Safety and Corrections, Titles 14, 15 and 40 the of the La. Revised Statutes, the La. Children's Code and La. R.S. 24:523.

2. PURPOSE:

To establish the Deputy Secretary/Assistant Secretary's policy regarding the filing of modifications of disposition.

3. APPLICABILITY:

Assistant Secretary, Deputy Assistant Secretaries, Facility Directors, Probation and Parole Program Director, Regional Managers, Youth Services (YS) Legal staff and all other appropriate YS employees.

4. DEFINITIONS:

Act 1225 Process - The process or activities as described in La. R.S. 15:902.3, and in particular, Section E.

Motion for Modification of Disposition - A legal process that requests the court to change the disposition of a youth.

Regional Offices - all Division of Youth Services (DYS) field offices located throughout the state.

Self Modifying Order - An order or disposition which modifies itself, if conditions specified in the order are carried out or met, without any additional action by the court.

5. POLICY:

It is the policy of the Deputy Secretary/Assistant Secretary to use the most efficient method to reassign a youth when it is determined that a modification of disposition is appropriate.

For youth assigned to non-secure facilities, the most efficient method of filing for modifications is through the utilization of DYS staff. For youth assigned to secure facilities, modifications of youth shall be accomplished by the applicable unit's Legal Section.

6. PROCEDURES:

A. Self Modifying Orders

When a court has signed a judgment or order approving a modification of the disposition based on the youth's accomplishment or meeting of certain conditions specified therein, the disposition is automatically modified. No additional filing is needed.

Self-modifying orders are designed to allow for movement of youth from a residential placement (secure or non-secure) to a less restrictive setting. It may or may not affect the legal custody of the youth (custody vs. supervision). [Any additional action or status change requiring a modification must be filed with the court.]

B. Non-Self Modifying Orders

1. Non-Secure

To modify a judgment or order that does not contain self-modifying language, a modification of disposition must be filed with the court. The motion to modify shall be drafted and filed with the court by DYS staff. However, when a modification is requested for a youth assigned to a residential program, prior to the youth completing the program, a copy of the proposed modification must be forwarded to the appropriate YS

attorney prior to filing. If no response is received from the Legal Section within five days of the date of forwarding, the modification may be filed with the court by DYS staff. If there is a difference of opinion between DYS and legal staff, the matter shall be referred to the Deputy Secretary or his designee for resolution.

2. Secure

- a. To modify a judgment or order that does not contain self-modifying language, a modification of disposition must be drafted and filed with the court by the applicable unit's Legal Section. A copy of the motion shall be sent to the appropriate probation officer, district attorney and the caseworker of record.
- b. Modifications filed for youth who have not met the guidelines for consideration for modification must meet the criteria provided in La. R.S. 15:902.3.
- c. Motions for modification of disposition based on the criteria provided in La. R.S. 15:902.3 should not contain the fourteen (14) day language in La. R.S. 15:902.3(F).

Previous Regulation/Policy Number: N/A
Previous Effective Date:
Attachments/References: